

**REMARKS/ARGUMENTS**

This amendment responds to the Office Action dated September 15, 2008 in which the Examiner objected to the Specification and rejected claims 11-12, 14-17, 19-24, 35, 49-53, 55-58, 60-65 and 67-70 under 35 U.S.C. § 103.

As indicated above, the Specification bridging page 2 and 3 has been amended as suggested by the Examiner. Additionally, a minor informality in the Specification on page 30 has been corrected. Applicants respectfully request the Examiner approves the corrections and withdraws the objection to the disclosure.

As indicated above, claims 11, 35, 49-52 and 67-68 have been amended in order to make explicit what is implicit in the claims. The Amendment is unrelated to a statutory requirement for patentability. In addition, claim 69 has been amended to correct a typographical error.

Claims 11, 49, 50 and 51 claim an apparatus for encoding picture signals and claims 35, 52, 67 and 68 claim a method for encoding picture signals. A controlling means controls an encoding means based upon a selected processing mode. The first encoding method is used when a mode for capturing only still picture data is selected. The second encoding method is used when a mode for capturing both (a) still picture data and audio data and (b) moving picture data and audio data is selected.

By having (a) a first encoding method for encoding when capturing only still picture data and (b) a second encoding method for encoding when capturing both (1) still picture data and audio data and (2) moving picture data and audio data as claimed in claims 11, 35, 49-52, 67 and 68, the claimed invention provides an apparatus and method which can simultaneously record a still picture and an audio signal. The prior art does not show, teach or suggest the invention as claimed in claims 11, 35, 49-52, 67 and 68.

Claim 69 claims an encoding apparatus and claim 70 claims an encoding method. The apparatus and method include first, second and third encoders and a picture generator. The picture encoder receives one of a still picture signal and a moving picture signal and converts the picture signals into a I picture corresponding to a picture format. The second encoder receives an audio signal and converts the audio signal into a signal corresponding to an audio format. The picture generator generates fixed data corresponding to picture size. The third encoder multiplexes the signal from the first and second encoders and picture generator.

By having the encoders and generator as claimed in claims 69 and 70, the claimed invention provides an encoding apparatus and method which can encode both a moving and still picture signal with an audio signal. The prior art does not show, teach or suggest the invention as claimed in claims 69 and 70.

Claims 11-12, 14-17, 19-24, 35, 49-53, 55-58, 60-61, 64-65 and 67-70 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hashimoto, et al.* (U.S. Patent No. 6,111,604) in view of *Kato* (U.S. Patent No. 6,148,031) and further in view of ISO/IEC 11172-1 (MPEG-1 part 1) and Official Notice.

*Hashimoto, et al.* appears to disclose an image data compression/expansion circuit 12 used to encode and decode images using known image compression methods which transform the images into and out of compressed formats such as GIFF, JPEG, MPEG or other known image compression methods (column 6, lines 62-66).

Thus, *Hashimoto, et al.* merely discloses transforming images into one of several known methods. Nothing in *Hashimoto, et al.* shows, teaches or suggests (1) a first encoding method when a mode for transmitting only still picture data is selected and (2) a second encoding method when a mode for transmitting both (a) still picture data and audio data and (b) moving picture

data and audio data has been selected as claimed in claims 11, 35, 49, 50-52 and 67-68. Rather, *Hashimoto, et al.* only discloses a circuit 12 using one of several known compression methods.

Additionally, *Hashimoto, et al.* merely discloses in Figure 11 a process for capturing and storing video and audio information. A user presses a shutter button and a single picture along with associated audio is capture and stored. The image and audio are then compressed. Separate image and audio files are then written into a memory card. Subsequently, a relation file which describes the association of the image and audio files is written or updated (column 9, lines 46-54). The relation file can indicate information of just a still image, the combination of a still image and audio data and information of successive images so that a series of images can be displayed to generate moving images (column 10, lines 1-4).

Thus, *Hashimoto, et al.* merely discloses a relation file indicating information of just a still image, a combination of a still image and audio data or moving images. Nothing in *Hashimoto, et al.* shows, teaches or suggests (1) a first encoding method when a mode is selected for capturing only still picture data and (2) a second encoding method when a mode is selected for capturing both (a) still picture data and audio data and (b) moving picture data and audio data as claimed in claims 11, 35, 49, 50-52 and 67-68. Rather, *Hashimoto, et al.* merely discloses a relation file indicating the relation between image data and audio data.

Finally, *Hashimoto, et al.* merely discloses in Figure 8 an audio data compression/expansion circuit 3 used to encode and decode audio signals and an image data compression/expansion circuit 12 used to encode and decode images (column 6, lines 27-32, 62-66).

Thus, nothing in *Hashimoto, et al.* shows, teaches or suggests first, second and third encoders and a picture generator as claimed in claims 69 and 70. Rather, *Hashimoto, et al.* only discloses an audio compression circuit 3 and an image compression circuit 12.

*Kato* appears to disclose an operation keyboard 32 provided with a trigger switch for a continuous image taking and a trigger switch for still image taking. When the operation keyboard 32 issues a continuous image taking command, the image compression/decompression circuit 18 compresses the output of the camera signal processor circuit 16 according to a motion JPEG standard and the compressed information is stored in a first memory 20. When a still image taking request is input during the continuous image taking, the system control circuit 26 tags with a still image taking flag the corresponding frame. At the end of the continuous image taking, the control circuit 26 reads the series of still images from the first memory 20, re-compresses them by image compression/decompression circuit 18. The recompressed image information is written into the second memory 22 (column 3, lines 35-63).

Thus, *Kato* merely discloses recompressing images that are tagged as still images. Nothing in *Kato* shows, teaches or suggests (1) a first encoding method when a mode is selected for recording only still video data and (2) a second encoding method when a mode is selected for recording both (a) still video data and audio data and (b) moving video data and audio data as claimed in claims 11, 35, 49, 50-52 and 67-68. Rather, *Kato* only discloses recompressing still images.

Furthermore, *Kato* merely discloses an image compression/decompression circuit 18. Nothing in *Kato* shows, teaches or suggests three encoders and a picture generator as claimed in claims 69-70.

ISO discloses at 1-A.6.3 packets constructed with a common number of packet-data-byte entries. Stuffing bytes are used to ensure that all packets have 20 header bytes and 2028 data bytes.

Thus, ISO merely discloses having the same number of bytes in a packet by padding. Nothing in ISO shows, teaches or suggests (1) a first encoding method when a mode is selected for recording only still video data and (2) a second encoding method when a mode is selected for recording both (a) still video data and audio data and (b) moving video data and audio data as claimed in claims 11, 35, 49-52 and 67-68. Rather, only the size of the packets are disclosed in ISO.

Official Notice was taken that audio and video packets are correlated in a 1:1 ratio. Nothing in the Official Notice shows, teaches or suggests (1) a first encoding method when a mode is selected for capturing only still picture data and (2) a second encoding method when a mode is selected for capturing both (a) still picture data and audio data and (b) moving picture data and audio data as claimed in claims 11, 35, 49-52 and 67-68.

Since nothing in Hashimoto, *Kato*, ISO and Official Notice show, teach or suggests (1) a first encoding method when a mode for capturing only still picture data is selected and (2) a second encoding method when a mode is selected for capturing both (a) still picture data and audio data and (b) moving picture data and audio data as claimed in claims 11, 35, 49-52 and 67-68, Applicants respectfully request the Examiner withdraws the rejection to claims 11, 35, 49-52 and 67-68 under 35 U.S.C. § 103.

Furthermore, the combination of *Hashimoto, et al.*, *Kato* and ISO would merely suggest to replace the audio compression/expansion circuit 3 and image data compression/expansion circuit 12 of *Hashimoto, et al.* with the single image compression/decompression circuit 18 of

*Kato*. Alternatively, the combination would merely suggest to replace the image data compression expansion circuit 12 of *Hashimoto, et al.* with the image compression/decompression circuit of *Kato*. Thus, nothing in the combination of the references shows, teaches or suggests first, second and third encoders and a picture generator as claimed in claims 69 and 70. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claim 69 and 70 under 35 U.S.C. § 103.

Claims 12, 14-17, 19-24, 53, 55-58, 60-61 and 64-65 recite additional features. Applicants respectfully submit that these claims would not have been obvious within the meaning of 35 U.S.C. § 103 over *Hashimoto, et al.*, *Kato*, ISO and Official Notice at least for the reasons set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 12, 14-17, 19-24, 53, 55-58, 60-61 and 64-65 under 35 U.S.C. § 103.

Claims 21-22 and 62-63 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hashimoto, et al.* in view of *Kato*, ISO and further in view of *Ejima, et al.* (U.S. Patent No. 6,327,423).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Hashimoto, et al.*, *Kato* and ISO show, teach or suggest the primary features as claimed in claims 11 and 52, Applicants respectfully submit that the combination of the primary references with the secondary reference to *Ejima, et al.* will not overcome the deficiencies of the primary reference. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 21-22 and 62-63 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this Amendment for purposes of appeal.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

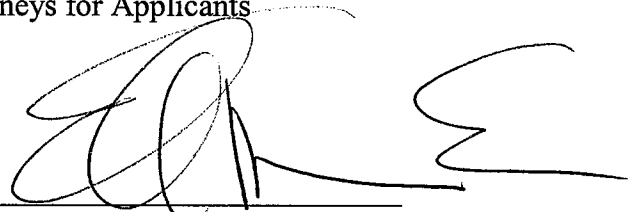
In the event that any additional fees are due with this paper, please charge to our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: October 20, 2008

By

A handwritten signature in black ink, appearing to read 'Ellen Marcie Emas', written over a horizontal line.

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